

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 23RD DAY OF OCTOBER 2006, AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Steve L. Spradlin	-Chair
	Mary W. Biggs	-Vice Chair
	Gary D. Creed	-Supervisors
	Doug Marrs	
	John A. Muffo	
	Annette S. Perkins (arrived 7:50 p.m.)	
	James D. Politis	
	B. Clayton Goodman, III	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	T.C. Powers	-Planning Director
	Steve Sandy	-Zoning Administrator
	Angie Hill	-Financial & Management Services Director
	Marc Magruder	-Budget Manager
	Vickie L. Swinney	-Secretary, Board of Supervisors

CALL TO ORDER

The Chair called the meeting to order.

ADD TO THE AGENDA - ADDENDUM

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously, the following addendum dated October 23, 2006 was added to the agenda under Closed Meeting:

Section 2.2-371 (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiation Strategy of the Public Body

2. Elliston/Lafayette School Site

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	Annette S. Perkins
Doug Marrs		
Mary W. Biggs		
Gary D. Creed		
James D. Politis		
Steve L. Spradlin		

INTO CLOSED MEETING

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711

- (1) Discussion , Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
 1. Board of Equalization
 2. Towing Advisory Board
- (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiation Strategy of the Public Body
 1. Kipps Farm Property
 2. Ellistion/Lafayette School Site

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	Annette S. Perkins
Doug Marrs		
Mary W. Biggs		
James D. Politis		
John A. Muffo		
Steve L. Spradlin		

OUT OF CLOSED MEETING

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT DURING VOTE</u>	<u>ABSENT DURING MEETING</u>
Doug Marrs	None	John A. Muffo	Annette S. Perkins
Mary W. Biggs			
James D. Politis			
Gary D. Creed			
Steve L. Spradlin			

CERTIFICATION OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

Mary W. Biggs
James D. Politis
John A. Muffo
Gary D. Creed
Doug Marrs
Steve L. Spradlin

NAYS

None

ABSENT DURING VOTE

Annette S. Perkins

ABSENT DURING MEETING

Annette S. Perkins

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PUBLIC HEARINGS

The Chairman announced that the following three Public Hearings listed on the Agenda were inadvertently advertised for a Board of Supervisors Public Hearing in the Roanoke Times. These three land use items are currently under review by the Planning Commission and will be advertised for a Board of Supervisors Public Hearing in December 2006 or January 2007, depending upon Planning Commission review.

1. Addition to Montgomery County 2025 Comprehensive Plan – Riner Village Plan
To consider the policy framework, maps and supporting data for the Riner Village Plan. The Riner Village Plan is the third in a series of six village plans specified in PLU 1.7 Villages, PLU 1.7.1 Village Planning Process, and PNG 4.0 Villages and Rural Communities in the Montgomery County 2025 Comprehensive Plan.
2. Proposed Policy Map Amendment to Montgomery County 2025 Comprehensive Plan- Ronald E. Salmons
Ronald E. Salmons requests to amend the policy map of the Montgomery County Comprehensive Plan by changing the policy map designation of a portion of Tax Parcel No. 119-A-35,36,37 (Acct. ID #016536) on the west side of Riner Rd (Route 8) at the Riner Rd. and Tuckahoe Dr. intersection from Village Expansion to Rural.
3. Proposed Policy Map Amendment to Montgomery County's 2025 Comprehensive Plan- L&G Circle T
L&G Circle T requests to amend the policy map of the Montgomery County Comprehensive Plan by changing the policy map designation of a portion of Tax Parcel No. 119-A-22,23 (Acct. ID #019113) on the west side of Riner Rd (Route 8) approx. 1000 feet south of the Dairy Road & Riner Road intersection from Resource Stewardship to Village Expansion.

PUBLIC HEARINGS

Rezoning Request – Roger Woody

Roger Woody requests to rezone approximately 28.32 acres from Agriculture (A-1) to General Business (GB), with possible proffered conditions, to allow general business uses. The property is located on the northeast side of Farmview Road, east of North Franklin St (US 460 BUS) and west of the US Route 460 (Bypass), and is identified as Tax Parcel No(s). 79-A-23, 24-26, 26A; 79-A-142, 143-147 (Acct #'s 017576, 021678, 026179, 021680, 032861, 001650, 006010, 021677, 001730, 029424, 001729) in the Shawsville Magisterial District (District B). The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

The Chair explained that this public hearing was continued from their September 25, 2006 meeting in order to allow the Planning Commission to receive comments from the Town of Christiansburg and VDOT concerning traffic issues.

The Zoning Administrator provided information on this request. The applicant submitted a preliminary site plan for large and small retail establishments located off US 460 Business (North Franklin Street). The main entrance will be onto Farmview Road. The proposed site is in the County; however, it is adjacent to the Town of Christiansburg's town limits.

The plan does conform to the County's comprehensive plan and is in an area designated for urban expansion. However, there are major concerns with the traffic impacts of the proposed project on Farmview Road and Business 460 (North Franklin Street). There is only one ingress/egress planned with no other alternate connections to the proposed site. To date, no proffers have been made concerning funding and timing of road and entrance improvements or other measures to address anticipated traffic impacts.

No comments have been received from VDOT representatives concerning this proposed development. The Town of Christiansburg submitted comments dated October 2, 2006, which states they do not anticipate any traffic problems with the development provided the connection to Farmview and future connections to Welcome Street and the Lowes property are developed.

Wheatland Retirement Community has submitted comments expressing concern over Farmview Road being the main entrance to the proposed development and its negative impact on Sunset Drive that serves the only entrance to the retirement community and childcare center. They requested the applicant consider proposing a main entrance other than Farmview Road. If Farmview Road serves as the main entrance they requested that the main entrance be re-located behind the church property and that a traffic signal be installed at Sunset Drive.

At their October 18, 2006 meeting, the Planning Commission recommended denial of this request because the applicant has failed to provide any proffered conditions to mitigate the adverse impacts of the proposed development on the surrounding street system and on the adjoining retirement community. The Planning Commission discussed the following concerns:

1. The proposed commercial development would generate 18,000+ vehicle trips per day. Approximately 80% of this traffic is projected to use Farmview Road.

2. This amount of traffic would have an adverse impact on the traffic flow on Farmview Road, on North Franklin Street, and on Sunset Drive. There needs to be an alternative access proffered that would provide a direct entrance to the proposed development from Peppers Ferry Road (SR 114).
3. The amount of traffic would have an adverse impact (noise, lights, trash, etc.) on the adjoining Wheatland Retirement Community. There needs to be an improved buffer proffered in order to mitigate environmental factors.
4. No proffers have been submitted by the applicant to mitigate impacts. VDOT has failed to provide the County with comments on the Traffic Impact Study and Supplement Study submitted by the applicant.

The Board discussed this proposed development with great detail. The major concern discussed was the lack of access from the development to Peppers Ferry Road (SR 114). The Board acknowledged that Farmview Road will be upgraded and widened to a commercial grade road; however, the impact to Farmview Road and Sunset Drive will be significant. Board members asked if a connector road is possible and if they could receive VDOT's comments before their November 15, 2006 meeting.

Jim Wesel spoke on behalf of the applicant. Mr. Wesel asked the Board for a favorable vote on the proposed rezoning. The proposed development would provide significant economic benefits for Montgomery County, such as increased revenues and jobs. This property is not set in a rural area but in an urban expansion area, which is compatible with the County's comprehensive plan. The Town of Christiansburg will provide public water and sewer services. Mr. Wesel commented that a connector road to Peppers Ferry Road could be possible by constructing an entrance by the K-Mart property, which is owned by the applicant. The Welcome Street property is not a viable source for a connector road at the moment as the land is not owned by the applicant.

Mike Agee, Mattern & Craig, provided information on the traffic impact study for the proposed development. Mr. Agee reported that the traffic count on 460 Business (North Franklin Street) has decreased due to the construction of the new 460 by-pass. In 2003, VDOT's traffic count was 53,000 vehicles per day (vpd), in 2006 the traffic count was 27,000 vpd. Therefore, 460 Business has the capacity to handle any additional traffic projected from this proposed development.

Rich White, LMW Engineering, provided information on the stormwater management. He stated they have provided a plan to effectively manage stormwater runoff and erosion in order to protect surrounding properties.

Lance Terpenney, Christiansburg Town Manager, addressed the Board on behalf of the Town of Christiansburg, speaking in support of the proposed development. The Town is aware for the need of a direct access from the development to Peppers Ferry Road (Rt. 114) and the only direct route currently is beside the K-mart property. Farmview Road will need to be upgraded. Mr. Terpenney stated with cooperation from the County and Town this will be a positive project.

There being no further speakers, the public hearing was closed.

American Electric Power – Public Utility Easement Request

American Electric Power request for a public utility easement to provide electrical services on the leased portion of the Meadowbrook Facility located at 267 Alleghany Spring Road, Shawsville, Virginia.

The County Attorney provided information on the request. State law requires a public hearing for all public utility easement requests. AEP is requesting a public utility easement in order to cross the county's property located on Alleghany Springs Road. This property is the Meadowbrook facility, which houses the Meadowbrook Public Library. Electrical service is needed in the leased portion of the facility where the YMCA will be located.

There being no speakers, the public hearing was closed.

PUBLIC ADDRESS

Allan Burke, Clerk of the Circuit Court, thanked the Board for approving a new position for his office and stated he would pursue state funding for the position next year.

Malvin Wells reviewed obstacles and challenges faced by the Elliston Fire Department over the years, and asked the Board's for assistance with the funding of the new station.

Don Robertson and Julia Akers spoke in support of the intermodal facility, citing benefits to the County's tax base and the ability to attract future commercial businesses and jobs to the area.

George Smith spoke in favor of the Heartland Corridor project but opposed the Elliston Site, questioning why Norfolk Southern had not sought an alternate site near the regional jail. Jim Malcolm expressed concern that no benefits were guaranteed to the citizens of the County from an intermodal facility.

Mike Hawes and Mickey Apagar asked the Board to support the resolution opposing funding for the intermodal site to let state leaders know that citizens do not support the use of taxpayer dollars for this project.

Supervisor Perkins arrived at 7:50 p.m.

CONSENT AGENDA

On a motion by Annette S. Perkins, seconded by Mary W. Biggs and carried unanimously, the Consent Agenda dated October 23, 2006 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
James D. Politis	
John A. Muffo	
Gary D. Creed	
Doug Marrs	
Mary W. Biggs	
Steve L. Spradlin	

Approval of Minutes

On a motion by Annette S. Perkins, seconded by Mary W. Biggs and carried unanimously, the minutes dated August 28, 2006 were approved.

R-FY-07-61 SCHEDULE PUBLIC HEARING ON AN ORDINANCE TO PROVIDE THE APPLICATION AND DISPOSITION DEADLINES FOR THE ORDERLY AND EFFICIENT PROCESSING OF EQUALIZATION OF REAL ESTATE ASSESSMENTS

On a motion by Annette S. Perkins, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors hereby schedules a public hearing for Wednesday, November 15, 2006 at 7:15 p.m., or as soon thereafter, at the Montgomery County Government Center, 2nd Floor Board Room, 755 Roanoke Street, Christiansburg, Virginia to receive public comment on the following:

-An Ordinance scheduling the deadline for receipt of applications to the Montgomery County Board of Equalization for February 5, 2007 and the deadline for disposition of appeals by the Board of Equalization for March 5, 2007.

A-FY-07-49
GENERAL DISTRICT COURT
TRANSFER FROM GENERAL CONTINGENCIES

On a motion by Annette S. Perkins, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer of appropriation is hereby authorized, as follows:

FROM:

950	General Contingencies	(\$4,650)
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TO:

200	General District Court	\$4,650
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Said resolution transfers appropriated funds from General Contingencies to General District Court for the purchase of furniture for the judge's office.

A-FY-07-50
SHAWSVILLE RESCUE SQUAD
STATE GRANT APPROPRIATION

On a motion by Annette S. Perkins, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the County Capital Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2007 for the function and in the amount as follows:

330	Shawsville Rescue	\$15,000
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

424401	State Grants	\$15,000
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Said resolution appropriates monies from a grant received by the Shawsville Volunteer Rescue Squad.

NEW BUSINESS

R-FY-07-62 RESOLUTION REQUESTING THE GOVERNOR AND THE VIRGINIA GENERAL ASSEMBLY TO OPPOSE THE COMMONWEALTH OF VIRGINIA PROVIDING STATE FUNDING TO NORFOLK SOUTHERN FOR THE DEVELOPMENT OF AN INTERMODAL FACILITY IN THE ELLISTON COMMUNITY OF MONTGOMERY COUNTY, VIRGINIA

On a motion by Gary D. Creed, seconded by John A. Muffo and carried unanimously,

WHEREAS, Norfolk Southern has identified a portion of land adjoining State Route 460 in the rural community of Elliston in the County of Montgomery as the preferred site for Norfolk Southern to locate an Intermodal Facility to serve Norfolk Southern's Heartland Corridor; and

WHEREAS, In order to mitigate truck traffic traveling through the rural villages of Shawsville, Elliston and Lafayette to and from the proposed Intermodal Facility, the Board of Supervisors asked the Virginia Department of Transportation ("VDOT") and Norfolk Southern if North Fork Road (State Route 603) could be upgraded from US 11/460 to I-81 (Exit 128) to handle truck traffic; and to date VDOT and Norfolk Southern have stated there is no funding for the project; and

WHEREAS, The Board of Supervisors has gone on record opposing the proposed Norfolk Southern Intermodal Facility locating in the rural community of Elliston because (1) the proposed Intermodal Facility does not comply with the County's 2025 Comprehensive Plan; (2) the proposed Intermodal Facility will have a negative environmental impact on the Roanoke River and the surrounding rural environment; (3) absent an upgraded North Fork Road (State Route 603) taking truck traffic to and from the proposed Intermodal Facility site to I-81, Exit 128, the proposed Intermodal Facility will increase truck traffic traveling through the rural villages of Shawsville, Elliston and Lafayette which is not compatible with the rural residential character of these villages; (4) the proposed Intermodal Facility is not the type of economic development the County is encouraging or seeking to locate within the County of Montgomery; and (5) the proposed Intermodal Facility will have a negative impact on the County's tourism initiatives by industrializing one of the County's most scenic landscapes; and

WHEREAS, Norfolk Southern and the Commonwealth of Virginia have signed an agreement for Virginia to provide \$12.8 million of tax payers money to Norfolk Southern to develop an intermodal site subject to the Commonwealth of Virginia approving the proposed site; and

WHEREAS, The Board of Supervisors of the County of Montgomery requests that the Governor and the Virginia General Assembly oppose the Commonwealth of Virginia providing any state public funding to Norfolk Southern to develop an intermodal site in the Elliston

Community of Montgomery County for the reasons stated by the Board of Supervisors on record.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby requests the Governor and the Virginia General Assembly to oppose the Commonwealth of Virginia providing any state funding to Norfolk Southern for the development of an intermodal facility in the Elliston Community of Montgomery County, Virginia.

BE IT FURTHER RESOLVED, That the Board of Supervisors of the County of Montgomery hereby respectfully requests the Governor to consider this opposition by the Board of Supervisors and publicly announce to the Board of Supervisors and the residents of the Elliston Community as soon as possible but not later than ninety (90) days from the approval of this Resolution whether the Governor opposes the Commonwealth of Virginia funding the development of an intermodal facility in the Elliston Community of Montgomery County, Virginia.

BE IT FURTHER RESOLVED, That the Board of Supervisors of the County of Montgomery hereby respectfully requests the Governor to provide, to the Board of Supervisors and the citizens of Elliston when made available to the Governor or his staff, information as to the other sites that Norfolk Southern is considering now or may consider in the future for an intermodal site for the Heartland Corridor in addition to the Elliston site that the tax payers of Virginia may be asked to assist financially in developing.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
John A. Muffo	
Doug Marrs	
Mary W. Biggs	
Annette S. Perkins	
Gary D. Creed	
Steve L. Spradlin	

R-FY-07-63
BOARD OF EQUALIZATION
COMPENSATION

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby authorizes payment to the members of the Board of Equalization in the amount of \$125 per day.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Doug Marrs	
Mary W. Biggs	
Annette S. Perkins	
Gary D. Creed	
James D. Politis	
Steve L. Spradlin	

R-FY-07-64
MONTGOMERY COUNTY
LEGISLATIVE PRIORITIES FOR 2007

On a motion by Annette S. Perkins, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Montgomery County Board of Supervisors, that the Board hereby adopts their 2007 legislative priorities as follows:

FINANCE

Unfunded mandates Montgomery County continues to oppose unfunded mandates from the state or federal government.

Compensation Board Montgomery County supports full state funding for positions and operational costs for constitutional offices.

Judicial System Montgomery County supports legislation to provide adequate state funding for support personnel, offices and equipment for any judicial position it creates.

Interest on Erroneously Assessed Taxes Montgomery County supports amending Sec. 58.1-3916 of the Code of Virginia, 1950, as amended, to add language stating that a locality does not have to provide for interest on overpayments due to erroneously assessed taxes when an act or omission on the taxpayers part contributed to the erroneous assessment.

Local Revenue If the General Assembly removes or curtails **any local revenue source**, Montgomery County insists that the General Assembly fully replace the lost local revenue with state funds in amounts to capture projected economic growth and local need. If the state chooses to curtail any local revenue sources, Montgomery County would support the state becoming fully responsible for services currently provided by local governments in a dollar amount no less than any lost local revenues plus any growth in costs of such services. Montgomery County opposes any effort to restrict or limit the growth of real estate revenue, real estate assessments or real estate tax rates.

Impact Fees Montgomery County supports legislation to provide local governments the authority to levy impact fees to pay for cost of capital facilities for new developments, including road construction and maintenance.

Portion of Income Taxes Returned to Localities Montgomery County supports legislation to distribute a percentage of individual income tax revenues to localities, or the authority to levy a local income tax.

Local Option Sales and Use Tax Montgomery County supports a hold harmless provision to ensure localities are not subject to a loss of revenue due to the reduction in this tax.

Merchants Capital and BPOL Tax Montgomery County supports a hold harmless provision to ensure localities are not subject to a loss of revenue due to any state enabling reduction in this tax.

Impact on Local Tax Base of State-Owned Land Montgomery County requests that the Joint Legislative Audit and Review Commission (JLARC) prepare a financial impact analysis of real estate taxes that would have been received from land and buildings owned by Virginia Polytechnic Institute and State University, the Virginia Tech Foundation, and Radford University Foundation to determine the loss in revenue to Montgomery County.

Situs for Taxation Montgomery County supports legislation amending Section 58.1-3511A of the Code of Virginia, 1950, as amended, requiring that situs for the assessment and taxation of tangible personal property, merchant's capital and machinery and tools (would not include motor vehicles, travel trailers, boats and airplanes which are already assessed based on where they are normally garaged, docked or parked) be the county, district, town or city in which the property is normally used, located or held out for sale instead of where the property may be physically located on tax day. The purpose of the change is to prevent tax payers from being able to move their tangible personal property, merchants capital or machinery and tools out of the locality where the property is normally kept throughout the year on tax day in order to avoid being assessed for the tax by claiming that the property was not physically located in the locality on tax day.

Equal Taxing Authority Montgomery County supports legislation to eliminate the distinction in the taxing authority of Virginia's cities and counties.

Study on Restructuring Tax Law Montgomery County supports a timely conclusion to the study on restructuring tax laws by seeking out and incorporating local government input into the study recommendations, and expeditiously enacting legislation to implement these recommendations.

Assessments for Courthouse Construction, Renovation or Maintenance Montgomery County supports amending Section 17.1-281 of the Code of Virginia of 1950, as amended, allowing localities to increase the fees for each civil and criminal action filed in the district or circuit court from Two Dollars (\$2.00) to Ten Dollars (\$10.00) per case.

Authority to Exempt Real Property from Taxation Montgomery County requests the General Assembly to authorize localities to exempt from taxation up to \$50,000 in real property value for residential homeowners. With this authority, localities would have an option to design local programs offering tax relief to homeowners on assessed value up to \$50,000 for one primary residence. Included would be single family homes, individually owned town houses, mobile homes on individual lots, modular units and double wide mobile homes. Commercial, industrial and rental properties would be excluded. The intent is to provide localities the option of offering such a program but not mandate that localities offer such a relief program.

LAND USE

Land Use Montgomery County supports legislation that requires state agencies to comply with local land use ordinances.

Local Zoning Regulatory Standards Montgomery County opposes legislation which constrains local authority over land use issues; and therefore; opposes legislation that would mandate localities to treat certain manufactured homes the same as site-built homes for purposes of local zoning regulatory standards.

Updating Existing Floodplain Mapping. *Montgomery County supports legislation that would enhance and/or increase the use of federal funding for updating existing floodplain mapping, particularly in Montgomery County. Montgomery County supports state funding of the Department of Conservation and Recreation efforts to assist communities in this flood map modernization effort.*

Automobile Graveyard Screening Montgomery County supports legislation to amend Section 15.2-903 of the Code of Virginia of 1950, as amended, by adding Montgomery County to the current list of 8 counties that may adopt an ordinance requiring the screening of automobile graveyards and junkyards

Revenue Sharing Program Montgomery County supports restoration of the Revenue Sharing program to the structure that existed prior to the 2006 session with robust funding, elimination of the statutory cap, and matching up to \$1 million per locality without any restrictions on local funding approaches.

Eminent Domain Montgomery County is concerned about the recent Supreme Court ruling that local governments can seize private property through eminent domain for economic development purposes. The Montgomery County Board of Supervisors supports legislation to clarify that the power of eminent domain shall be available only for public use and that the term “public use” shall not be construed to include private economic development.

Purchase of Development Rights Montgomery County supports state funding of local purchase of development rights (PDR) programs based on the work of the Virginia Department of Agriculture and Consumer Affairs (VDACS) Farmland Preservation Task Force (2004). Local PDR programs represent an important strategy for the preservation of farm land and forest land

across the Commonwealth. The County recommends an initial matching rate of \$2 in state funds for each \$1 contributed from local funds.

EDUCATION

School. Montgomery County supports full funding of SOQ so that a redistribution of existing state aid among jurisdictions does not occur without an increase of state funds. Montgomery County supports state funding allocated for teacher pay raises based on actual positions, not just positions recognized in the SOQ. Montgomery County supports Acost for competing Add-on@ funding for all Virginia School Districts.

JLARC Recommendations Montgomery County recognizes the progress made in implementing the Joint Legislative Audit and Review Commission (JLARC) recommendations for state funding of public education K-12 and supports continued efforts to implement these recommendations.

School Construction Montgomery County supports adequate state funding for school construction and renovations.

School Technology Montgomery County supports state funding for annual technology upgrades and replacements.

HEALTH, HUMAN AND SOCIAL SERVICES

Comprehensive Services Act (CSA) Montgomery County supports full state funding for 100% of the administrative costs of CSA, state vendor contracts for residential services paid through CSA and Joint Legislative Audit and Review Commission's two-year study of the administration of the Comprehensive Services Act.

Social Services Montgomery County supports additional state funding for Social Services administration in order to implement the Program Improvement Plan mandated by the federal government. State and local staff carefully created a conservative estimate of the cost of implementing the plan statewide and that cost was over \$26,500,000.

Health Department Montgomery County supports full state funding for 100% of the costs of the Health Department.

ENVIRONMENT AND AGRICULTURE

Water and Sewer availability fees Montgomery County supports legislation that would grant counties the authority to enact water and sewer availability fees, and mandatory water and sewer connection power.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Doug Marrs	None
Mary W. Biggs	
Annette S. Perkins	
Gary D. Creed	
James D. Politis	
John A. Muffo	
Steve L. Spradlin	

**R-FY-07-65
VACO 2006 ANNUAL MEETING
VOTING CREDENTIALS**

On a motion by Annette S. Perkins, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia authorizes **Steve L. Spradlin** to cast its vote at the 2006 Annual Meeting of the Virginia Association of Counties (VACo) on November 14, 2006.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Annette S. Perkins	
Gary D. Creed	
James D. Politis	
John A. Muffo	
Doug Marrs	
Steve L. Spradlin	

**A-FY-07-51
ECONOMIC DEVELOPMENT
TRANSFER FROM GENERAL CONTINGENCIES**

On a motion by Doug Marrs, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer of appropriation is hereby authorized, as follows:

FROM:		
950	General Contingencies	(\$15,000)

TO:

810 Economic Development

\$15,000

Said resolution transfers appropriated funds from Contingencies to Economic Development for an industry incentive.

The vote on the foregoing resolution was as follows:

AYE

Annette S. Perkins

Gary D. Creed

James D. Politis

John A. Muffo

Doug Marrs

Mary W. Biggs

Steve L. Spradlin

NAY

None

R-FY-07-66

BOARD OF SUPERVISORS

CHANGE DECEMBER 2006 MEETING DATE

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby schedules its first meeting in **December on Monday, December 18, 2006 at 7:15 p.m., and cancels the second meeting in December due to the holidays.**

The vote on the foregoing motion was as follows:

AYE

Gary D. Creed

James D. Politis

John A. Muffo

Doug Marrs

Mary W. Biggs

Annette S. Perkins

Steve L. Spradlin

NAY

None

INTO WORK SESSION

On a motion by Annette S. Perkins, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Tax Relief for the Elderly and Disabled
2. FY 06 Revenue Collection & General Fund Balance
3. Roads Committee

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
John A. Muffo	
Doug Marrs	
Mary W. Biggs	
Annette S. Perkins	
Gary D. Creed	
Steve L. Spradlin	

Tax Relief for the Elderly and Disabled

Financial & Management Services Director, Angie Hill, reviewed a proposal for the County's tax relief program for the Elderly and Disabled, increasing the eligibility limits for calendar year 2007 from \$26,000 to \$28,000 and increasing the asset value from \$80,000 to \$100,000. Limits were last adjusted for calendar year 2005. If these changes are to be effective for 2007, a public hearing is required in November 2006 and the ordinance adopted no later than December 2006.

FY 06 Revenue Collection and General Fund Balance

Marc Magruder, Budget Manager, reviewed the County's revenue collections and general fund balance for FY06.

Roads Committee

The County Administrator provided a report from the Roads Committee meeting held on September 28, 2006. The purpose of the meeting was to discuss roads to be recommended for paving (re-surfacing) with the \$141,920 in Revenue Sharing funds the Board has earmarked for county wide-paving.

OUT OF WORK SESSION

On a motion by Annette S. Perkins, seconded Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Doug Marrs	
Mary W. Biggs	
Annette S. Perkins	
Gary D. Creed	
James D. Politis	
Steve L. Spradlin	

COUNTY ADMINISTRATOR'S REPORT

VDOT's Revenue Sharing The County Administrator provided information in regard to the new revenue sharing program. On October 11, 2006, the Commonwealth Transportation Board approved the new guidelines for the revenue sharing program. The changes allows all counties, as well as cities and towns, to apply for revenue sharing funds up to \$1 million. It also sets out priorities/tiers for funding. The program's total budget is \$15 million for FY 2007. All requests for revenue sharing funds are to be returned to VDOT by December 22, 2006.

The County Administrator recommended the Roads Committee schedule a meeting with VDOT and County staff to prepare a proposed revenue sharing program submittal. The Board will need to approve the final submittal at the November 27, 2006 meeting in order to get the request to VDOT by the deadline.

Proposed Revisions to the County's Personnel Policies The County Administrator provided a copy of the proposed revisions to the County's Personnel Policies. Annually, County staff reviews the personnel polices and recommends revisions that reflect changes to the federal and state law and to clarify programs. The County Administrator asked the Board to review the changes and to provide any comments in order to discuss these matters at the November 15, 2006 Board meeting.

New Elliston Volunteer Fire Department Station The County Administrator provided an update on the new building for the Elliston Fire Department. The County received five bids with the low bid at \$1.6 million and the high bid at \$2.1 million. The County currently has \$860,000 earmarked for the new fire station, therefore, they are approximately \$800,000 short. A more detailed report will be forthcoming. A work session on this matter will be on the November 15, 2006 meeting agenda.

BOARD MEMBERS' REPORT

Supervisor Creed commented on Elliston Volunteer Fire Department's request for additional funding for the new fire station. This project has been delayed for three years and the rate of inflation is a major factor as to why the cost of the station has increased. Supervisor Creed asked the Board for a favorable vote to move forward.

Supervisor Muffo reported that the Planning Commission held a public hearing on the Riner Village plan. He also attended a focus group meeting to discuss the Blacksburg downtown historical district on October 19, 2006.

Supervisor Biggs submitted reports from the School Board and Library Board meetings to the County Administrator for distribution to Board members. She asked the Chair to add to the next County/School Liaison meeting agenda the matter of working with the residents of Stroubles Mill on the new Blacksburg stadium.

Authority to Exempt Real Property from Taxation Supervisor Biggs asked staff to clarify the addition to the County's legislative priorities on the authority to exempt real property from taxation. She wanted to make sure that if the General Assembly gave the county authority the Board did not have to use it.

The County Attorney explained that it depends on how the bill is written, for example the County may have the option to exempt real property versus the County shall exempt real property.

In order to enact the changes for taxation a public hearing would be required and an ordinance adopted by the Board of Supervisors.

Supervisor Biggs commented that the Board will need to look at all aspects surrounding this issue and expressed concern with exempting the first \$50,000 for all real estate. She is concerned about the loss of revenue the County would endure. The Board has adopted a tax relief program for the elderly and disabled to help residents who need help with their real estate payments.

Supervisor Creed took the opportunity to explain his request for the County to have the authority to exempt real property taxes. He stated this authority would allow the County to exempt real property for every citizen not just a select few. If the County exempted the first \$50,000 in real property this would allow citizens who own a home worth \$250,000 to receive tax relief. This would give tax relief to everyone, which will treat everyone exactly the same. It would be up to this Board to decide if they want to adopt this policy.

Supervisor Perkins reminded the Board of the Nannie B. Hairston unveiling on October 28, 2006 at 4:00 p.m. at the Government Center. The Planning District Commission's annual dinner is November 2, 2006 and the NAACP Freedom Fundraiser is November 4, 2006. The Christiansburg Rescue Squad's dinner is November 4, 2006. Pandemic Flu Meeting is October 31, 2006 sponsored by the Health Department.

Supervisor Marrs also expressed concern with the authority to exempt real property taxation. He still has reservations about exempting the first \$50,000. If this is enacted then the Board would have to adopt an ordinance to authorize any exemption.

Supervisor Spradlin received another complaint about citizens not being able to hear the Board meetings when aired on Channel 2. He asked staff to look into the sound issue. He believes staff is doing a better job with the sound during the actual meeting; however, it may be a problem with the taping and airing of the meeting.

Schedule Special Meeting – October 30, 2006 –Reassessment Work Session

The County Administrator requested the authorization to schedule a special meeting in order to hold a work session on the County's reassessment process. It was the consensus of the Board to schedule a work session for October 30, 2006 at 6:00 p.m.

OTHER BUSINESS

R-FY-07-67
SCHEDULE PUBLIC HEARING
AN ORDINANCE AMENDING CHAPTER 2, DIVISION 5
ENTITLED TAX EXEMPTION AND DEFERRALS
FOR THE ELDERLY AND HANDICAPPED

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors hereby schedules a public hearing for Wednesday, November 15, 2006 at 7:15 p.m., or as soon thereafter, at the Montgomery County Government Center, 2nd Floor Board Room, 755 Roanoke Street, Christiansburg, Virginia to receive public comment on the following:

Proposed Ordinance to Amend Chapter 2, Section 2-107, Entitled Tax Exemption and Deferrals for the Elderly and Handicapped.

An Ordinance Amending Chapter 2, Division 5 Entitled Tax Exemptions and Deferrals for Elderly and Handicapped, Section 2-107 of the Code of the County of Montgomery, Virginia by Increasing the Income and Net Worth Eligibility Limits for Exemption from or Deferral of Taxation of Real Estate for the Elderly and Disabled.

The vote on the foregoing motion was as follows:

AYE

James D. Politis
John A. Muffo
Doug Marrs
Mary W. Biggs
Annette S. Perkins
Gary D. Creed
Steve L. Spradlin

NAY

None

ADJOURNMENT

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously, the Board adjourned to Monday, October 30, 2006 at 6:00 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT DURING VOTE</u>
John A. Muffo	None	James D. Politis
Doug Marrs		
Mary W. Biggs		
Annette S. Perkins		
Gary D. Creed		
Steve L. Spradlin		

The meeting adjourned at 10:00 p.m.

APPROVED: _____	ATTEST: _____
Steve L. Spradlin	B. Clayton Goodman, III
Chair	County Administrator